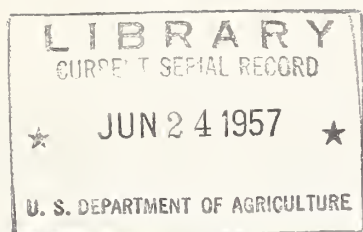


Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

A280.3939
m 34 Har
Cop. 2



VALENCIA ORANGE ORDER No. 22
Effective June 22, 1956

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA
AND DESIGNATED PART OF CALIFORNIA

[Reprinted from Federal Register of June 22, 1956 (21 F.R. 4892)]

PART 922—VALENCIA ORANGES GROWN IN
ARIZONA AND DESIGNATED PART OF CALI-
FORNIA

ORDER AMENDING ORDER REGULATING
HANDLING

§ 922.0 *Findings and determinations.*
The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, California, on January 25, 1956, upon proposed amendments to the tentatively approved marketing agreement and to Order No. 22 (7 CFR Part 922) regulating the handling of Valencia oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act, including the establishment and maintenance of such orderly marketing conditions for Valencia oranges grown in Arizona and designated part of California as will provide, in the interests of producers and consumers, an orderly flow thereof to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices;

(2) The said order, as hereby amended, regulates the handling of Valencia oranges grown in Arizona and designated part of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified

in, a marketing agreement upon which hearings have been held;

(3) The said order as hereby amended is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) The said order as hereby amended prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the Valencia oranges covered thereby; and

(5) All handling of Valencia oranges, as defined in the order as hereby amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). Shipments of the current crop of Valencia oranges is now under way. To be of maximum benefits during this season, it is necessary that these amendments be made effective as soon as possible. The amendments, among other things, authorize handlers to make use of the overshipment tolerance provision each week instead of every other week as is now provided, and authorize the establishment of a percentage of a size regulation on the allotment issued to a handler for a week, as well as on volume of shipments. Thus, more flexibility of operation under the program is provided. The provisions of the order are well known to the handlers of Valencia oranges. The public hearing in connection therewith was held on January 25, 1956, and the recommended decision and final decision were published in the FEDERAL REGISTER on April 12, 1956 (21 F. R.

2384), and May 5, 1956 (21 F. R. 3022), respectively. Copies of the regulatory provisions of this order were made available to all known interested parties, and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of Valencia oranges grown in Arizona and designated part of California, upon which public hearings were held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the oranges covered by this order) who, during the period beginning February 1, 1955, and ending January 31, 1956, both dates inclusive, handled not less than 80 percent of the volume of oranges covered by said order as hereby amended; and

(2) The issuance of this order amending the aforesaid order is favored or approved by producers who, during the determined representative period (February 1, 1955, through January 31, 1956), produced for market, within Arizona and the designated part of California, at least two-thirds of the volume of Valencia oranges produced for market within the said production area.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of Valencia oranges grown in Arizona and designated part of California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order as hereby amended as follows:

1. Delete the provisions of § 922.16 and substitute in lieu thereof the following:

§ 922.16 *Carton.* "Carton" means the standard container number 58 as defined in section 828.83 of the Agricultural Code of California, as amended, of a capacity of approximately 38½ pounds of oranges, or such other container and capacity as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

2. Delete the provisions of § 922.18 and substitute in lieu thereof the following:

§ 922.18 *Carload*. "Carload" means a quantity of oranges equivalent to 924 cartons of oranges, or such other quantity of oranges as may be established by the committee with the approval of the Secretary.

3. Amend the provisions of § 922.31 by adding at the end of the section the following sentence: "Whenever specifically authorized or approved by the committee, an alternate member shall be reimbursed for reasonable expenses necessarily incurred by him in attending committee meetings and shall receive compensation at the rate provided in this section, notwithstanding that the committee member for whom he serves as alternate also attends such meetings."

4. Amend the provisions of § 922.32 as follows:

a. Delete the first sentence thereof and substitute in lieu thereof the following: "The committee shall, as soon as practicable after the marketing of the crop is completed, prepare and mail an annual report to the Secretary and to each handler and grower of record."

b. Delete therefrom the words following (d) and substitute in lieu thereof the following: "notice of the time and place of an open meeting, to be held as soon as practicable after the mailing of the annual report, to review the whole record of the operations of this part."

5. Amend the provisions of paragraph (e) of § 922.53 *Prorate bases* by inserting the following as part of the last sentence

in such paragraph: "; and, in the event the change in control of oranges is occasioned by a bona fide transfer of the ownership of the real property on which such oranges were produced, the person gaining the control of such oranges shall have his quantity of oranges available for current shipment adjusted by adding thereto a quantity of oranges equal to that which is so deducted."

6. Amend the provisions of § 922.55 by deleting therefrom the first sentence and substituting in lieu thereof the following: "During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment for such week, and whose total allotment is not loaned, or is not required for the repayment of an allotment loan or as a deduction for a prior overshipment, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his allotment, or one carload, whichever is the greater."

7. Amend the provisions of § 922.57 by adding a new paragraph (e) as follows:

(e) No allotment may be loaned from one handler to another when such loan is brought about by the payment of a consideration.

8. Amend the provisions of § 922.64 by inserting the following immediately after the first sentence of such section: "When any such size regulation restricts the handling of a portion of a specified size, the quantity of such size that may

be handled by a handler during a particular week shall be established as a percentage of (a) the weekly allotment issued to such handler when volume regulation is in effect, and (b) the total weekly volume handled by such handler when volume regulation is not in effect."

9. Insert the following new sentence immediately preceding the last sentence of § 922.52 *Issuance of volume regulations*: "Such regulation may be made effective, as authorized by the act, irrespective of whether the season average price for Valencia oranges is in excess of the parity price specified therefor in the act."

10. Amend the provisions of § 922.71 by deleting therefrom the word "box" and substituting in lieu thereof the word "carton."

11. Immediately preceding the closing of the parenthesis at the end of § 922.2 *Act* insert the following: "; 68 Stat. 906, 1047."

12. Amend the provisions of § 922.83 (c) (3) by deleting therefrom the date "December 15" wherever it appears and substituting in lieu thereof the date "October 15."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 18th day of June 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL]

EARL L. BUTZ,
Assistant Secretary.